

2SHB 1206 - H AMD TO H AMD (1206-S2 AMH DAHL WALK 022) **273**

By Representative Kagi

ADOPTED 03/03/2011

1 On page 2, line 8 of the striking amendment, after "duties" insert
2 ". For the purposes of (b)(iii) and (b)(iv) of this subsection, the
3 fear from the threat must be a fear that a reasonable criminal justice
4 participant would have under all the circumstances. Threatening words
5 do not constitute harassment if it is apparent to the criminal justice
6 participant that the person does not have the present and future
7 ability to carry out the threat"

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9 On page 4, after line 19 of the striking amendment, insert the
10 following:

11 "NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW
12 to read as follows:

13 The sentencing guidelines commission shall report to the
14 appropriate committees of the legislature by December 1, 2011, and
15 every year thereafter, on the number of prosecutions under section 1
16 (2)(b)(iii) and section 1(2)(b)(iv) of this act.

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18 NEW SECTION. Sec. 4. Sections 1 through 3 of this act expire July
19 1, 2018."

20

21 Correct the title.

EFFECT:

- Clarifies that the threat that a criminal justice participant receives must create a fear that a reasonable criminal justice participant would have under all the circumstances and that "threatening words" do not constitute harassment if it is apparent to the victim that the offender does not have the present and future ability to carry out the threat.
- Requires the Sentencing Guidelines Commission to annually

report to the Legislature on the number of prosecutions of harassment crimes against criminal justice participants under the act.

- Requires the act to expire on July 1, 2018.

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